

REMARKS

Claims 1-15 and 17 are pending in this application. By this Amendment, claims 1, 2, 8 and 10 are amended and claim 16 is canceled without prejudice to, or disclaimer of, the subject matter recited therein. Support for the amendment to claim 1 can be found in the specification, for example, at paragraphs [0042], [0048]-[0051] and [0055], Figs. 3-5 and previously presented claim 16. Claims 2, 8 and 10 are amended as suggested by the Final Rejection. No new matter is added.

Claims 1-17 are rejected under 35 U.S.C. §112, first paragraph. The rejection of canceled claim 16 is moot. The rejection of claims 1-15 and 17 are respectfully traversed.

Claims 1, 2, 8 and 10 are amended responsive to the rejection. For example, claim 1 recites "an outer layer laminated on a substrate layer that makes up a main body of said tube, the outer layer having formed thereon or consisting of a linear projecting portion," and thus encompasses at least two embodiments: (1) the outer layer consisting of a projecting portion or portions, and (2) the outer layer having the projecting portion formed thereon. Claims 3-7, 9, 11-15 and 17 are rejected based only on their dependency from independent claim 1. Therefore, claims 1-15 and 17 satisfy the requirements of 35 U.S.C. §112, first paragraph. Applicant thus respectfully requests withdrawal of the rejection.

Claims 1-17 are rejected under 35 U.S.C. §112, second paragraph. The rejection is respectfully traversed.

Regarding the rejection of claim 1, the term "predetermined width" has been canceled, thus obviating the rejection.

Regarding the rejection of claim 8, claim 8 is amended responsive to the rejection, thus obviating the rejection. Applicant thus respectfully requests withdrawal of the rejection.

Claims 1, 3-5, 8, 10-12, 14, 16 and 17 are rejected under 35 U.S.C. §102(b) over Hatayama et al. (JP 61-008544). The rejection is respectfully traversed.

Hatayama does not teach or render obvious every claimed feature of independent claim 1. Hatayama does not teach or render obvious "the outer layer having formed thereon or consisting of a linear projecting portion or portions extending straight along an entire axial length of the tube in an axial direction and with an axially uniform thickness," as recited in independent claim 1 (emphasis added).

Hatayama merely relates to a tube 11 with patterns 22 that extend in various directions at varying thicknesses down the axial side of the tube 11 (see Figs. 1-4 of Hatayama). However, the patterns 22 of Hatayama extend at an angle to the axial direction, and thus do not extend "straight down an entire axial length of the tube in an axial direction," as recited in proposed amended independent claim 1 (see Figs. 1-3 of Hatayama). Further, the pattern 22(11b) of Hatayama has varying thickness in the axial direction, and thus does not extend "with an axially uniform thickness," as recited in proposed amended independent claim 1 (see Fig. 4 of Hatayama).

Also, the patterns 22(11b) of Hatayama are indentations provided in the tube 11, and thus are not projecting portions formed on the outer layer, as recited in independent claim 1 (see Figs. 1-4 of Hatayama). The projecting portion of independent claim 1 reinforces the cylindrical body wall of the tube and provide a decorative backbone that increases both structural stability and aesthetic quality. However, the patterns 22(11b) of Hatayama have deficient strength compared to the projections of independent claim 1 because they are formed by a resin 11b having no reinforcing effect, and are indentations of the tube 11 (see Figs. 1-4 of Hatayama).

Therefore, for at least these reasons, independent claim 1 is patentable over Hatayama. Claims 3-5, 8, 10-12, 14, 16 and 17, which depend from independent claim 1, are also patentable for at least their dependency on independent claim 1, as well as for the additional features they recite. Applicant thus respectfully requests withdrawal of the rejection.

Claims 1, 3-5 and 15 are rejected under 35 U.S.C. §102(b) over Redmond (U.S. Patent Application Publication No. 2001/0030192). The rejection is respectfully traversed.

Redmond does not teach or render obvious every claimed feature of independent claim 1. Redmond does not teach or render obvious "wherein the projecting portion is made of a different material than the substrate layer," as recited in proposed amended independent claim 1.

The Final Rejection asserts that Figs. 8B and 9B of Redmond disclose the claimed projection portion (see Final Rejection, page 6). However, the alleged projection portion is merely a pouch container with a seam formed by the respective front and back portions of the pouch (see Figs. 8B and 9B of Redmond). The alleged projection portion is therefore comprised of the same material as the pouch of Redmond (see Fig. 8B and 9B of Redmond). Therefore, Redmond does not teach or render obvious "wherein the projecting portion is made of a different material than the substrate layer," as recited in proposed amended independent claim 1.

Further, the invention disclosed in Redmond is not intended to be an improvement on a generally cylindrical container having another layer laminated on a substrate. Therefore, Redmond does not even fall into the same category as the invention claimed in independent claim 1.

Therefore, for at least these reasons, independent claim 1 is patentable over Redmond. Claims 3-5 and 15, which variously depend from independent claim 1, are also patentable for at least their dependency on independent claim 1, as well as for the additional features they recite. Applicant thus respectfully requests withdrawal of the rejection.

Claims 6, 7 and 13 are rejected under 35 U.S.C. §103(a) over Hatayama; claim 2 is rejected under 35 U.S.C. §103(a) over Hatayama in view of Haefner et al. (U.S. Patent No.

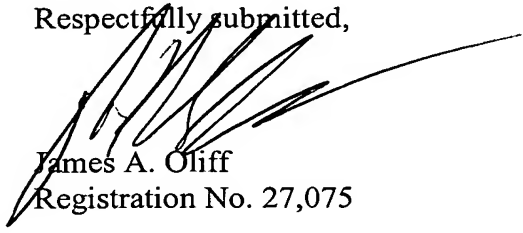
3,940,001); and claim 9 is rejected under 35 U.S.C. §103(a) over Hatayama in view of Kincaid (U.S. Patent No. 4,196,825). The rejections are respectfully traversed.

Haefner and Kincaid do not remedy the above-described deficiencies of Hatayama and Redmond. Further, claims 2, 6, 7, 9 and 13 depend from independent claim 1. Therefore, claims 2, 6, 7, 9 and 13 are also patentable over the applied references for at least their dependency on independent claim 1, as well as for the additional features they recite. Applicant thus respectfully requests withdrawal of the rejections.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attached: Request for Continued Examination
Petition for Extension of Time

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